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Kyung-geun Lee

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EXAMINER

DANG, HUNG Q

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/798,271	<b>Applicant(s)</b> LEE ET AL.	
	<b>Examiner</b> Hung Q. Dang	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed on 08/20/2008 have been considered but they are not persuasive.

At page 6, Applicant argues that, "Takeshita does not disclose wherein the at least one factor comprises a maximum recording speed." In response, the Examiner respectfully disagrees. In column 3, lines 7-18, Takeshita describes recording with an optimum recording speed. Of course, this optimum recording speed is not a maximum recording speed, but selected from or under a maximum recording speed as shown in Fig. 5. In Fig. 5C, for example, such a maximum recording speed corresponds to X4 option. And an optimum recording speed is obviously is that corresponds to X4 (maximum recording speed that is media-dependent and **proper**). X2 and X1 are not optimum because though also proper, they are slower while X10, X8, and X6 are **improper speed**. In even in the case that the optimum recording speed is not a maximum recording speed, Takeshita still discloses "a maximum recording speed," that is **proper**, corresponding to X4 option and being media-dependent.

For that reason, the rejections stand as previously presented.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-5, 7-8, 10-16, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda et al. (US Patent 6,072,759) and Takeshita (US Patent 6,556,524).**

Regarding claim 1, Maeda et al. disclose an information storage medium for use with a recording and/or reproducing apparatus, the information storage medium (column 5, lines 21-30) comprising: a recordable area to record data information (Figs. 5; column 5, lines 31); and a reproduction-only area to store a standard version information indicating at least one factor associated with data recording and/or reproduction prescribed by a manufacturer, and a revision information different from the standard version information indicating an update to the at least one factor and also prescribed by the manufacturer (column 8, line 34 – column 9, line 67); wherein, when the standard version information and the revision information are read by the recording and/or reproducing apparatus, the standard version information and the revision information cause the recording and/or reproducing apparatus to read data from, or write data to, the information storage medium according to a standard corresponding to the standard version information and the revision information (column 8, line 34 – column 9, line 67).

However, Maeda et al. do not disclose the at least one factor comprises a maximum recording speed.

Takeshita discloses a factor that comprises a maximum recording speed used to control recording of data into the storage medium (column 3, lines 7-18; Fig. 5; also see “Response to Arguments” above).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the factor of a maximum recording speed disclosed by Takeshita into the information storage medium disclosed by Maeda et al. for determining an optimum recording condition for the storage medium (see Takeshita, column 6, lines 20-23).

Regarding claim 2, Maeda et al. also disclose a lead-in area (column 8, line 34 – column 9, line 67; Fig. 5A; Fig. 5B; Fig. 5C); a user data area (Fig. 5A; Fig. 5B; Fig. 5C); and a lead-out area (Fig. 5A; Fig. 5B; Fig. 5C), wherein the reproduction-only area is included in at least one of the lead-in and lead-out areas, and the recordable area is recorded in a remaining portion of the lead-in area, the user data area, and the lead-out area (column 8, line 34 – column 9, line 67; column 10, lines 3-10; column 18, lines 49-53; column 6, lines 3-6, 32-38).

Regarding claim 3, Maeda et al. also disclose the reproduction-only area is a disk control data zone included in at least one of the lead-in and lead-out areas (column 8, line 34 – column 9, line 67).

Regarding claim 4, Maeda et al. also disclose the revision information is recorded in an m-th byte of the disk control data zone (column 8, line 34 – column 9, line 67).

Regarding claim 5, Maeda et al. also disclose each time the revision information is changed, the changed revision information is recorded in the m-th byte (column 9, lines 35-39).

Regarding claim 7, Maeda et al. also disclose when the revision information is x.y, x is recorded in a first four bits of the m-th byte., and y is recorded in a last four bits of the m-th byte (column 9, lines 22-31).

Regarding claim 8, Maeda et al. also disclose one of a hexadecimal system and a binary system is used to record the revision information (column 9, lines 22-39).

Regarding claim 10, Maeda et al. also disclose when content of at least one of the factor changes, the revision information corresponding to the changed factor is recorded (column 9, lines 35-39).

Regarding claim 12, Maeda et al. disclose a method of recording and/or reproducing data in an information storage medium (column 2, lines 50-54) which includes a lead-in area (column 8, line 34 – column 9, line 67; Fig. 5A; Fig. 5B; Fig. 5C), a user data area (Fig. 5A; Fig. 5B; Fig. 5C), and a lead-out area (Fig. 5A; Fig. 5B; Fig. 5C), the method comprising: recording a standard version information indicating at least one factor associated with data recording and/or reproduction prescribed by a manufacturer in a reproduction-only area of at least one of the lead-in and lead-out areas (column 8, line 34 – column 9, line 67; Fig. 5A; Fig. 5B; Fig. 5C); recording revision information indicating an update to the at least one factor and also prescribed by the manufacturer in the reproduction-only area (column 9, lines 35-39; also see “Response to Arguments” above); and reading the standard version information and the revision information and recording and/or reproducing data according to a standard associated with the standard version information and the revision information (column 2, lines 50 – column 3, line 7; column 8, line 34 – column 9, line 67).

However, Maeda et al. do not disclose the at least one factor comprises a maximum recording speed.

Takeshita discloses a factor that comprises a maximum recording speed used to control recording of data into the storage medium (column 3, lines 7-18; Fig. 5).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the factor of a maximum recording speed disclosed by Takeshita into the recording and/or reproducing method disclosed by Maeda et al. for determining an optimum recording condition for the storage medium (see Takeshita, column 6, lines 20-23).

Regarding claim 13, Maeda et al. also disclose a drive performs the reading (Fig. 22; Fig. 23A; Fig. 37A).

Claim 14 is rejected for the same reason as discussed in claim 3 above.

Claim 15 is rejected for the same reason as discussed in claim 4 above.

Claim 16 is rejected for the same reason as discussed in claim 5 above.

Claim 18 is rejected for the same reason as discussed in claim 7 above.

Regarding claim 20, Maeda et al. disclose a drive system (Fig. 22; Fig. 23A; Fig. 37A) for recording and/or reproducing data on an information storage medium (column 2, lines 50-54) comprising a reproduction-only area to record a standard version information indicating at least one factor associated with data recording and/or reproduction prescribed by a manufacturer and a revision information different from the standard version information indicating an update to the at least one factor and also prescribed by the manufacturer (column 8, line 34 – column 9, line 67; Fig. 5A; Fig. 5B;

Fig. 5C; also see “Response to Arguments” above), comprising: a pickup which records and/or reproduces the data from the information storage medium (Fig. 22; Fig. 23A; Fig. 37A; column 19, lines 47-55), wherein, when the information storage medium is inserted into the drive system (column 19, lines 39-45), the drive system reads out the version information and the revision information and records and/or reproduces the data according to a standard corresponding to the version information and the revision information (column 2, line 50 – column 3, line 7; column 8, line 34 – column 9, line 67; column 20, lines 56-60; column 22, lines 7-40).

However, Maeda et al. do not disclose the at least one factor comprises a maximum recording speed.

Takeshita discloses a factor that comprises a maximum recording speed used to control recording of data into the storage medium (column 3, lines 7-18; Fig. 5; also see “Response to Arguments” above).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the factor of a maximum recording speed disclosed by Takeshita into the drive system disclosed by Maeda et al. for determining an optimum recording condition for the storage medium (see Takeshita, column 6, lines 20-23).

**Claims 6 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda et al. (US Patent 6,072,759) and Takeshita (US Patent 6,556,524) as applied to claims 1-5, 7-8, 10-16, 18 and 20 above, and further in view of Ohno et al. (US Patent 6,628,602).**



Regarding claim 6, see the teachings of Maeda et al. and Takeshita as discussed in claim 2 above. However, the proposed combination of Maeda et al. and Takeshita does not disclose the revision information is repeatedly recorded in the lead-out area.

Ohno et al. disclose the recording information recorded in the lead-in area is repeatedly recorded in the lead-out area (column 1, lines 58-64).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the repeating in the lead-out area of recording information recorded in the lead-in area disclosed by Ohno et al. into the information storage medium disclosed by Maeda et al. and Takeshita for backup reason. The incorporated feature would make the information accessible even when one of the lead-in and lead-out areas becomes unreadable.

Claim 17 is rejected for the same reason as discussed in claim 6 above.

**Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda et al. (US Patent 6,072,759) and Takeshita (US Patent 6,556,524) as applied to claims 1-5, 7-8, 10-16, 18 and 20 above, and further in view of Kondo (US Patent 6,600,716).**

Regarding claim 9, see the teachings of Maeda et al. and Takeshita as discussed in claim 1 above. Further, Maeda et al. also disclose the revision information is recorded in one byte of the reproduction-only area (column 9, lines 27-39). However, the proposed combination of Maeda et al. and Takeshita does not disclose the revision information is repeatedly recorded in at least two of the bytes in the reproduction-only area.

Kondo discloses the recording information recorded in the lead-in area is repeatedly recorded in the lead-in area (column 13, lines 50-54).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the repeating in the lead-in area of recording information recorded in the lead-in area disclosed by Kondo into the information storage medium disclosed by Maeda et al. and Takeshita for backup reason. The incorporated feature would make the information accessible even when the lead-in area becomes unreadable.

Claim 19 is rejected for the same reason as discussed in claim 9 above.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Q. Dang whose telephone number is (571)270-1116. The examiner can normally be reached on IFT.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hung Q Dang/  
Examiner, Art Unit 2621

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